

**DRAFT DECISION NOTICE**  
**EWING MOUNTAIN VEGETATION PROJECT**  
**U.S. FOREST SERVICE**  
**MOUNT ROGERS NATIONAL RECREATIONAL AREA**  
**GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS**  
**GRAYSON, WYTHE, AND CARROLL COUNTIES, VIRGINIA**

## **INTRODUCTION**

This document is the Draft Decision Notice for the Ewing Mountain Vegetation Project. It explains the rationale for the decision. For a more thorough description of the analyses and the project Finding of No Significant Impact (FONSI) statement, interested parties should refer to the Environmental Assessment (EA) and the various specialist reports in the project record. The EA and reports can be viewed by appointment at the Mount Rogers National Recreational Area (Mt. Rogers NRA) Office at 3714 Highway 16, Marion, VA, or online at <https://www.fs.usda.gov/project/?project=44665>.

## **DECISION**

Based upon my review of the Ewing Mountain Vegetation Project Environmental Assessment (EA), I have decided to implement the Proposed Action, as described in the final EA. This includes the Resource Protection Measures described in the *Project Resource Protection Measures* section of the EA and Appendix A of this document. This will address difference between the existing condition and the desired condition, create and enhance existing early successional, old-field, and grassland habitat, trend towards the desired composition of vegetation species, structure, and function, provide wood products to help meet local demand, and trend the area towards a needed mix of forest successional stages and community types.

## **DECISION RATIONALE**

I have chosen the Proposed Action because it moves the project area toward attaining Forest-wide goals and objectives identified in the the 2004 [Revised Land and Resource Management Plan Jefferson National Forest](#) (hereinafter referred to as the Forest Plan).

By moving forward with the planned activities, the amount of early successional habitat across the project area will increase from 146 acres (less than one percent) to 406 acres (about 2.5 percent). This will provide improved wildlife habitat conditions, especially for ruffed grouse. In addition, the proposed thinnings will trend the project area towards the desired mix of tree species, age classes, and function and contribute to local and regional economies via wood markets and enhanced recreational opportunities (such as hunting and berry picking). The planned project activities (e.g., mechanized timber harvest, chemical control of undesirable species) are similar to past management actions successfully conducted on the Mt. Rogers NRA.

In reaching my decision, I relied on a District Interdisciplinary Team (ID Team) team comprised of Forest Service resource specialists to analyze the effects of the proposals described in the final EA, as well as input from public comments on the draft EA.

After reviewing the specialist reports, EA, and associated documents in the project record, I have determined that the Proposed Action, as described in the final EA, meets the goals of the Forest Plan, will address the purpose and need for the project, and considers concerns raised by those who commented on the EA. Inaction would not address the purpose and need for the project.

## OTHER ALTERNATIVES CONSIDERED

We are required by the National Environmental Policy Act (NEPA, Section 102(2) (E)) to explore and evaluate reasonable alternatives to the proposed action when there are “*unresolved conflicts concerning alternative uses of natural resources*”. When, such as in this case, there are no unresolved conflicts concerning alternative uses of available resources, the EA need only analyze the proposed action and proceed without consideration of additional alternatives (36 CFR 220.7(b) (2) (i)).

## ALTERNATIVES ELIMINATED FROM DETAILED STUDY

Several other alternatives were considered but not proposed for detailed study because they did not meet the purpose and need of the project, were inconsistent with Forest Plan management direction, or were not feasible due to existing conditions in the project area. A list of these alternatives, along with the rationale for their exclusion, is included in the *Alternatives Eliminated from Detailed Study* section of the EA.

## PUBLIC INVOLVEMENT

The Ewing Mountain Vegetation Project first appeared on the Mt. Rogers NRA’s quarterly Schedule of Proposed Actions (SOPA) in the fourth quarter of fiscal year 2018 as the Ewing Mountain Management Project and has appeared on the schedule as such since that time.

Scoping was conducted by the ID Team to gather information about the project area and to identify the issues and concerns related to the proposed action. Scoping letters were sent out May 16, 2019 to interested and affected agencies, organizations, and individuals informing them of the preliminary proposal and requesting their input. Twenty-four letters were received in response to this initial scoping. Comments were considered in the development of the proposed action.

The comment period for the Draft EA ran from April 28<sup>th</sup> through May 28<sup>th</sup> of 2021. Ten comment letters were received from interested parties; responses to relevant comments have been compiled in the Ewing Mountain Project Response to Comments document posted on the project website (<https://www.fs.usda.gov/project/?project=44665>).

I carefully reviewed and weighed each comment received during both scoping and the notice and comment period for the EA and used them to guide the development of my decision.

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

National forest management is guided by various laws, regulations, and policies that provide the framework for all levels of planning. This includes national and regional guides, forest plans, and site-specific planning documents such as this Environmental Assessment. Higher-level documents are incorporated by reference and can be obtained from Forest Service offices. Relevant laws, regulations, and policies, in addition to forest plan direction, are also referenced in individual specialist reports that are part of the project record.

### ***NATIONAL FOREST MANAGEMENT ACT (NFMA)***

This project is consistent with the National Forest Management Act (NFMA) of 1976. This project does not propose any commitments of resources that are irretrievable or irreversible. No timber harvest is planned to occur on lands not suited for timber production. Timber harvest is planned to occur only on lands where soil, slope, or other watershed conditions will not be irreversibly damaged. Temporary roads constructed as part of this project will be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources. Temporary roads constructed in connection with this project will be designed with the goal of closing and revegetating them following completion of the activities for which they were constructed and any associated administrative use.

This decision to authorize the implementation of vegetation treatments on National Forest System lands on the Jefferson National Forest is consistent with the intent of the Forest Plan's long term goals and objectives. The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidance.

### ***ROADLESS AREA CONSERVATION RULE***

The Ewing Mountain Vegetation Project does not overlap any Inventoried Roadless Areas identified under the 2001 Roadless Area Conservation Rule.

### ***CLEAN WATER ACT (CWA)***

Integration of resource protection measures and best management practices into the proposed action is intended to protect species and age class diversity in riparian areas; maintain riparian species in streamside management zones; and leave sufficient vegetation to provide bank stabilization, shade, and future sources of large wood to ensure channel maintenance. Further, best management practices call for treatments to avoid, minimize, or mitigate adverse effects to riparian resources. Implementation of these measures will ensure protection of aquatic resources and water quality during and after project implementation. Implementation of the proposed action is not expected to substantially alter the water quality within or adjacent to the project area. Therefore, I determined that the proposed action is in compliance with the requirements of the Clean Water Act.

### ***MIGRATORY BIRD TREATY ACT (MBTA) AND EXECUTIVE ORDER 13186***

The proposed action would provide suitable habitat for some species of migratory birds and is in compliance with the Migratory Bird Treaty Act.

### ***FLOODPLAIN MANAGEMENT (E.O. 11988), PROTECTION OF WETLANDS (E.O. 11990), MUNICIPAL WATERSHEDS***

Integration of resource protection measures and best management practices for riparian reserves will ensure compliance with EO 11988 Floodplain Management (11988, 1977), and EO 11990 Wetland Protection (11990, 1977). Refer to the section above (CWA) and FONSI Intensity factor #3 found in the EA.

### ***ENVIRONMENTAL JUSTICE (E.O. 12898)***

The proposed action is consistent with Executive Order 12898. This project will not have any disparate effects on minority populations or low-income populations. This project will not have human health effects on any group.

### ***CONFLICTS WITH PLANS, POLICIES, OR OTHER JURISDICTIONS***

The project Interdisciplinary Team has cooperated with State and other local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements. State, local, and Federal laws were reviewed and this project has no inconsistencies with approved State or local plan and laws.

A FONSI and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment and an Environmental Impact Statement (EIS) will not be prepared.

### **ADMINISTRATIVE REVIEW OPPORTUNITIES**

This project is subject to a pre-decisional objection process as described in 36 CFR 218. The objection period will end 45 calendar days following the publication of a legal notice in the *Bristol Herald Courier*. This notice is expected to be published on August 18, 2021. The decision implements the Jefferson National Forest Land and Resource Management Plan and does not fall under the Healthy Forest Restoration Act. Requirements for filing an objection may be found on the project's web page at <https://www.fs.usda.gov/project/?project=44665>.

### **IMPLEMENTATION DATE**

This project may be implemented any time following the date the final decision is signed. Implementation will occur over several years as funding and resources allow.



## CONTACT

For additional information concerning this decision, contact: Christopher Brown, Zone NEPA Planner, [christopherjbrown@fs.fed.us](mailto:christopherjbrown@fs.fed.us); or Barry Garten, Area Ranger, [barry.garten@usda.gov](mailto:barry.garten@usda.gov) at the Mt. Rogers NRA Office at (276) 783-5196.

## - DRAFT

BARRY K. GARTEN  
Area Ranger, Mount Rogers National Recreation Area

Date

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## APPENDIX A

### Project Resource Protection Measures (RPMs)

#### Cultural and Heritage Resources (CHR)

1. All relevant Forest Plan direction will be followed. Specific guidance is found in, but not limited to, Forest-wide Standards FW-204, FW-210.
2. No actions will take place within the boundaries of National Register of Historic Places (NRHP) eligible or unevaluated sites that would have an adverse effect on the site.
3. If human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during project implementation, the requirements of Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3002(d) and regulations (43 CFR 10) shall be followed.

#### Invasive and Undesirable Species (IS)

1. All relevant Forest Plan direction will be followed. Specific guidance is found in, but not limited to, Forest-wide Standards FW-35, FW-86, FW-87, FW-88, FW-89, FW-90, FW-93, FW-94, FW-95, FW-96, FW-101, FW-102, FW-103, FW-104, FW-105, FW-106, FW-107, FW-108, MA Rx 7B - *Scenic Corridors* Standard 7B-006, MA Rx 7G - *Pastoral Landscapes* Standard 7G-002, MA Rx 8E1- *Ruffed Grouse/Woodcock Habitat Emphasis* Standard 8E1-015, and MA Rx 9H - *Management, Maintenance, and Restoration of Forest Communities* Standard 9H-007.
2. To avoid the spread and establishment of non-native invasive species, logging equipment will be inspected and free of soil, seeds, and other attached material before entering onto National Forest lands.
3. Revegetation of disturbed areas is accomplished with a Forest Service approved seed mixture, with preference given to native grasses and wildflowers.

#### Karst and Geologic Resources (Karst)

1. All relevant Forest Plan direction will be followed. Specific guidance is found in, but not limited to, Forest-wide Standards FW-63, FW-65, FW-106, FW-111, FW-214, FW-215, FW-216, and MA Rx 4C1- *Geologic Areas* Standards 4C1-001, 4C1-016, 4C1-017.

### **Recreation (REC)**

1. All relevant Forest Plan direction will be followed. Specific guidance is found in, but not limited to, Forest-wide Standards FW-156, FW-158, FW-159, and MA Rx *8E1 - Ruffed Grouse/Woodcock Habitat Emphasis* Standard 8E1-021.
2. Coordination will occur with Forest Service personnel prior to implementing treatments in order to protect system trails, the trail prism associated with each of these trails, and trailhead improvements from damage during or after treatment. If damage is possible, post-treatment standards and responsibilities for mitigation of damage will be identified.
3. All recreational signing (i.e., trail carsonite markers, roadside informational signs, kiosks, etc.) will be protected during all treatment implementation.
4. When possible, access to developed and dispersed campsites, roads, and system trails should be maintained during implementation of all treatments. Where this is not possible due to safety, coordination will occur with local Forest Service personnel to provide this information to the public, provide adequate signing and traffic management, and provide protection of these sites.
5. Extended-use of camping sites during implementation of treatments by people other than Forest Service personnel will be by permit, with stipulations regarding post-use site conditions.
6. Posting of interpretive messages about forest restoration treatments should be considered at campgrounds and trailheads before, during, and after treatment implementation.

### **Roads, Skid Roads, and Landings (RSRL)**

1. All relevant Forest Plan direction will be followed. Specific guidance is found in, but not limited to, Forest-wide Standards FW-8, FW-9, FW-10, FW-16, FW-20, FW-21, FW-88, FW-125, FW-126, FW-127, FW-128, FW-129, FW-130, FW-131, FW-132, FW-133, MA Rx *4C1- Geologic Areas* Standards 4C1-016, 4C1-017, MA Rx *9A1 - Source Water Protection Watersheds* Standard 9A1-001, and MA Rx *11- Riparian Corridors* Standards 11-001, 11-002, 11-045, 11-046, 11-047, 11-048, 11-049, 11-050, 11-051, 11-052, 11-053, 11-054.
2. Temporary roads, skid roads, stream crossings, and landings will adhere to the guidance in [Virginia's Forestry Best Management Practices for Water Quality](#) (VDOF 2011, 2019).
3. Cautionary signing and/or traffic control will be implemented during operations and log hauling as specified under timber sale and service contract provisions.

4. Temporary roads, skid roads, skid trails, landings, and staging areas will be pre-located or approved by Forest Service personnel. Efforts will be taken to locate these areas on pre-existing disturbed sites if overriding sensitive characteristics or situations are not present.
5. Skid roads, skid trails, off-road vehicular use, staging of vehicles and equipment, and landings should not be located in the streamside management zone (SMZ). Landscape depressions (e.g. swales and meadows), slopes greater than 15 percent gradient, and other sensitive soils (e.g. highly erodible soils, gullied sites, etc.) should be avoided. When possible, conduct activities associated with concentrated mechanical use on previously disturbed sites.
6. Avoid side-casting soils, snow, and other materials into streams, springs, or wetlands when constructing or maintaining roads.
7. Plan stream crossings carefully, and minimize the number of stream crossings. Streams should be crossed at a right angle to the channel. Crossings will be constructed and maintained to prevent diversion of streamflow out of the channel and down the road in the event of crossing failure.
8. Existing drainage structures (e.g., rolling dips, culverts, rock crossings, etc.) will be maintained to be functional throughout the project and will be repaired and restored as quickly as possible if damaged or impaired.
9. Lead-out ditches will be maintained in a manner that does not allow sediment-laden runoff to enter stream courses or drainages.
10. Forest Service personnel will determine if additional drainage structures are needed.
11. Road maintenance will concentrate on improving drainage. Road drainage measures will not channel run-off directly into stream courses. This includes out-sloping the road and maintaining leadoff ditches.
12. Route road drainages away from potentially unstable stream channels, fills and hillslopes; or, if this is not possible, mitigate the effects.
13. Avoid disruption of natural hydrologic flow paths.
14. When all proposed activities requiring access are completed, temporary roads, skid roads, and landings will be closed to vehicle traffic and seeded with a Forest Service approved seed mixture to prevent erosion, provide wildlife habitat, and increase visual quality.
15. Upon the completion of the project, all temporary road drainage structures will be removed, and the natural drainage patterns will be restored as part of the closures of the temporary roads, skid roads, and landings.



## Soils and Hydrology (SOIL)

1. All relevant Forest Plan direction will be followed. Specific guidance is found in, but not limited to, Forest-wide Standards FW-1, FW-5, FW-8, FW-9, FW-10, FW-12, FW-13, FW-14, FW-16, FW-20, FW-21, FW-27, FW-111, FW-118, FW-129, FW-132, MA Rx *8E1 - Ruffed Grouse/Woodcock Habitat Emphasis* Standard 8E1-001, MA Rx *9A1 - Source Water Protection Watersheds* Standard 9A1-001, and MA Rx *11 - Riparian Corridors* Standards 11-001, 11-002, 11-045, 11-046, 11-047, 11-048, 11-049, 11-050, 11-051, 11-052, 11-053, 11-054.
2. Forest Plan Forest-wide Water and Soil Quality Standard 1 (FW-1) requires that management activities that may affect soil and / or water quality adhere to [Virginia's Forestry Best Management Practices for Water Quality](#) (VDOF 2011, 2019). The following sections of the VA BMP manual are relevant to the project:
  - Skid Trails
  - Stream Crossings
  - Log Landings
  - Erosion Control Measures
  - Revegetation
3. Enhanced BMPs, including (but not limited to) silt fence installation, rapid revegetation, spot gravelling and temporary stabilization measures during wet weather conditions, may be implemented on any treatments within the Brush/Little Brush Creeks, Cold Run, and Cove Branch watersheds. The focus will be on the reduction of sediment from the road system and logging plan features that were identified as potential sources of sediment loading and specific measures will be based on recommendations by Forest Service personnel.
4. Close temporary roads and skids roads with enough jack-strawed trees and slash, or other means, to effectively prevent unauthorized vehicle or horse use, where necessary. This is specifically a concern where existing non-system horse trails are proposed as project temporary roads or skid roads/trails, or where they intersect. Signage and effectiveness monitoring may also be required.
5. No units will be sold within the Cripple Creek watershed until after the Virginia Department of Mines, Minerals, and Energy; Division of Mineral Mining Glade Mountain Reclamation Project\* is completed and has been determined effective at reducing the risk of erosion and sedimentation into Killinger Creek. This determination

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\* The Forest Service refers to this project as the Killinger Creek Mine Restoration and Mitigation Project. A Decision Memo approving this project was signed on August 3<sup>rd</sup>, 2020 and is available in the Ewing Mountain project record.

will be made by the appropriate George Washington – Jefferson NF staff in consultation with the Forest Fisheries Biologist, Forest Hydrologist, and / or Forest Soil Scientist. These units include (C4971 S7); (C4971 S8); (C4971 S14); and (C4971 S17). All are found on Map 4, Compartment 4971.

6. MA Rx 9A1 - *Source Water Protection Watersheds* Standard 9A1-001 is pertinent in units (C4978 S13, Map 10); (C4978 S17, Map 10); (C4978 S19, Map 10); (C4979 S4, Map 11); and (C4979 S8, Map 11)<sup>1</sup>. No timber harvest will occur in the extended stream management zone buffers of these units to protect drinking water for the community of Austinville, Virginia.

### Vegetation (Veg)

1. All relevant Forest Plan direction will be followed. Specific guidance is found in, but not limited to, Forest-wide Standards FW-10, FW-32, FW-33, FW-74, FW-75, FW-76, FW-128, MA Rx 7E2 - *Dispersed Recreation Areas – Suitable* Standard 7E2-009, MA Rx 8E1 - *Ruffed Grouse/Woodcock Habitat Emphasis* Standards 8E1-001, 8E1-004, 8E1-009, 8E1-017, 8E1-021, and MA Rx 9H - *Management, Maintenance, and Restoration of Forest Communities* Standard 9H-003.
2. Prior to project implementation, consult with a knowledgeable Forest Service specialist (e.g. Botanist, Ecologist, Silviculturist) to ensure known locations of target Forest Service Southern Region (R8) regionally sensitive plant species are properly protected.
3. Slash piles should be at least 10 to 20 feet away from known populations of R8 regionally sensitive plants. Consider placing slash piles on previously disturbed locations, such as old piling sites or old log deck sites, to avoid disturbance to additional locations where possible.
4. The following R8 sensitive plants will receive buffers from timber harvest activities and herbicide treatment unless it is deemed beneficial for the species by Forest Service specialists:
  - a. Rock Skullcap (*Scutellaria saxatilis*) - 100 feet from center of location
  - b. American Barberry (*Berberis canadensis*) - 50 feet from center of location
  - c. Carolina Hemlock (*Tsuga caroliniana*) – for trees greater than 10 feet in height, a tree length buffer will be used to protect individuals from timber harvest

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<sup>1</sup> Units (C4971 S1, Map 4); (C4971 S2, Map 4); and (C4978 S2, Map 10) will require field validation at layout to confirm that no extended riparian buffers are present and therefore not subject to Standard 9A1-001.

activities. Regeneration patches of Carolina hemlock greater than or equal to 0.25 acre will be exclusion zones from timber harvest.

5. No units will be sold prior to the completion of old growth surveys in all proposed logging units within that sale. Any areas of old growth identified by a knowledgeable Forest Service specialist according to the GWJNF old growth survey protocol will be excluded from harvest.

### **Visual Quality (VQ)**

1. All relevant Forest Plan direction will be followed. Specific guidance is found in, but not limited to, Forest-wide Standards FW-183, FW-184, FW-185, FW-186, FW-187, FW-188, FW-189, FW-190, FW-191, FW-192, FW-193, FW-197, FW-200, FW-201, FW-235.
2. In areas with a High Scenery Integrity Objective (SIO) visible from Concern Level 1 travelways, which include Brush Creek Road (SR 602), Virginia Highlands Horse Trail (FST 337) and Ewing Mountain Trail (FST 4614), retain sufficient vegetative screening along trail and road corridors such that treatments are not noticeable to the casual observer. Typically retained higher basal area or untreated buffer of 70 -100 feet of forest is sufficient.
3. In areas with Moderate SIO retain sufficient vegetative screening along trail and road corridors such that treatments that are visible and noticeable to the casual observer are subordinate to the surrounding landscape character; typically 50 - 80 feet is sufficient.
4. Where visible from concern level 1 and 2 travelways and use areas, temporary roads, skid roads, and landings will be revegetated following management treatments.
5. Skid roads will be obliterated (recontoured to natural-appearing terrain) within 50 feet of the centerline of system trails where they cross system trails..
6. Treatments in units (C4972 S36, Map 5), (C4973 S15, Map 6), (C4973 S25, Map 6), (C4974 S5, Map 7), and (C4977 S9, Map 9) should avoid straight lines, geometric shapes, and abrupt edges when vegetation is cut. The edges of the treatment units should be feathered, leaving irregular clumps and variable densities of retained vegetation.
7. Treatments in units (C4970 S5, Map 2), (C4971 S1, Map 4), and (C4973 S15, Map 6) should retain sufficient vegetative screening along the private property boundary such that treatments are not evident to the casual observer. Typically an untreated buffer of 70 - 100 feet of forest is sufficient.

## Wildlife and Fisheries (WF)

1. All relevant Forest Plan direction will be followed. Specific guidance is found in, but not limited to Forest-wide Standards FW-12, FW-20, FW-21, FW-32, FW-33, FW-35, FW-46, FW-48, FW-49, FW-50, FW-51, FW-52, FW-58, FW-129, FW-132, MA Rx 8E1 - *Ruffed Grouse/Woodcock Habitat Emphasis* Standards 8E1-004, 8E1-009, 8E1-017, MA Rx 9H - *Management, Maintenance, and Restoration of Forest Communities* Standard 9H-003, and MA Rx 11- *Riparian Corridors* Standards 11-001, 11-002, 11-045, 11-046, 11-047, 11-048, 11-049, 11-050, 11-051, 11-052, 11-053, 11-054.
2. To protect Indiana bat (*Myotis sodalis*) populations:
  - a. Leave all shagbark hickory trees 6 inches diameter at breast height (dbh) and larger, except when they pose a safety hazard.
  - b. Clearcut openings 10 to 25 acres in size will retain a minimum average of 6 snags or cavity trees per acre, 9 inches dbh or larger, scattered or clumped.
  - c. All other harvest methods (and clearcut openings 26 to 40 acres in size) will retain a minimum residual basal area of 15 ft.<sup>2</sup> / acre (including 6 snags or cavity trees) scattered or clumped. Residual trees will be 6 inches dbh or larger, with priority given to the largest available trees that exhibit roost tree characteristics favored by Indiana bats.
  - d. Timber sale administrators or biologists will conduct and report normal inspections of all timber sales to ensure that measures to protect the Indiana bat have been implemented, including provisions for protecting residual. Unnecessary damage to residual trees will be documented in sale inspection reports and proper contractual or legal remedies will be taken.
3. To facilitate the implementation of workable standards, the *Federally Listed Endangered and Threatened Mussel and Fish Conservation Plan* (Conservation Plan) (Kirk and Huber, 2004) establishes a Conservation Zone, which will be applied within the Slate Spring Branch – Cripple Creek watershed (HUC 050500010803). The Conservation Zone will include the Riparian Corridor and the Channeled Ephemeral Zone.
4. The Conservation Plan standards are consistent with the Forest Plan. If the standards are modified, an interdisciplinary analysis will be needed, and will include the US Fish and Wildlife Service.